

always promoted by facilitating the administration of public justice—would be advanced by such extension of the law. The acts of the legislature, and especially those of the character now under consideration, are to receive a free and liberal interpretation ; but, they are not to be so expanded as to comprehend cases altogether beyond their purview.

So to apply and enlarge the law, would be judicial legislation under the guise of interpretation.

The first section of the act was intended to cure the evil resulting from the death of defendants before the cause had ripened into a final decree ; and, for that purpose authorizes the court, in its discretion, to order the cause to be proceeded in as if no such death had occurred, or, to direct a bill of revivor to be filed against the proper representative of the deceased, as may appear best calculated to advance the purposes of justice.

The second section was designed to supply a more expeditious mode of reaping the fruits of decrees already passed, and which, by the death of parties, subsequently, would therefore have abated. It declares, that a final decree shall not necessarily abate by the suggestion of the death of any one of the parties thereto ; but, the court, in such case, may order execution to be made of such decree, as if no such death had occurred, or require a *subpæna scieri facias* to be issued, or bill of revivor to be filed against the proper representative, or pass such other order or direct such other proceedings as may seem best calculated to advance the ends of justice.

This law, however, only provides a more summary and economical remedy when cases abate, either before or after decree, by the *death* of parties. The first section provides for the case of death of defendants only, but the succeeding section extends to the death of any one of the parties to the decree, and, of course, was intended to afford a more expeditious method of realising the fruits of a decree, notwithstanding the death of either plaintiff or defendant, than the law and practice of the court had before given.

But, the act does not embrace the case of a decree become *dormant* by lapse of time, and when the law presumes from the